



State Water Resources Control Board

June 9, 2021

VIA CSM DROPBOX



Heather Halsey, Executive Director
Commission on State Mandates
980 Ninth Street, Suite 300
Sacramento, CA 95814

CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, LOS ANGELES REGION, ORDER NO. R4-2010-0108, 11-TC-01: COMMENTS OF STATE WATER RESOURCES CONTROL BOARD AND LOS ANGELES REGIONAL WATER QUALITY CONTROL BOARD ON DRAFT PROPOSED DECISION; REQUEST FOR POSTPONEMENT OF HEARING

Dear Ms. Halsey:

The State Water Resources Control Board (State Water Board) and the Los Angeles Regional Water Quality Control Board (Los Angeles Water Board) (collectively, Water Boards) have reviewed the Draft Proposed Decision dated May 19, 2021, for the above-referenced Test Claim filed by the Ventura County Watershed Protection District and the County of Ventura (collectively, Claimants). The Water Boards appreciate the careful and thoughtful work of the Commission on State Mandates (Commission) staff and concurs with the conclusion reached in the Draft Proposed Decision that the period of limitation for the sections pled by Claimants in the Test Claim began to run on August 5, 2009, the effective date of Order No. 09-0057, or at the latest July 8, 2010, the effective date of Order No. R4-2010-0108. The Draft Proposed Decision appropriately analyzed the evidence in the administrative record, and documents publicly available, and correctly concludes that the Test Claim must be dismissed as it was not timely filed pursuant to Government Code section 17551(c).

Pursuant to section 1187.9(b) of the Commission's regulations, the Water Boards respectfully request postponement of the hearing on this matter currently scheduled for July 23, 2021. The Los Angeles Water Board's representatives will be engaged in a public hearing that day on the proposed issuance of the Phase I Municipal Separate Storm Sewer System (MS4) National Pollutant Discharge Elimination System (NPDES) Permit for the Los Angeles Region ("Regional MS4 Permit"). The Regional MS4 Permit would regulate 99 permittees within the Los Angeles Region, including Claimants. At the time the Water Boards received notice from the Commission on the scheduled hearing date for this matter, the Los Angeles Water Board was already holding July 23,

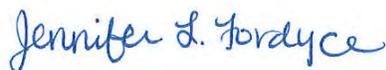
E. JOAQUIN ESQUIVEL, CHAIR | EILEEN SOBECK, EXECUTIVE DIRECTOR

2021 as a hearing date for the Regional MS4 Permit. Upon receiving notice from the Commission, the Los Angeles Water Board was not able to reschedule and find another hearing date in July 2021 where all the part-time Los Angeles Water Board members would be available. The Los Angeles Water Board has provided public notice that it will hold the hearing on the Regional MS4 Permit over the course of four days – July 8, 9, 16, and 23, 2021.¹ As such, representatives of both the Los Angeles Water Board and Claimants are not available for a hearing on this matter on July 23, 2021 due to this conflict. I have conferred with Claimants' counsel and understand that Claimants will also be requesting a postponement of the hearing for these reasons. Therefore, please consider this a joint request from the Water Boards and Claimants.

The Water Boards therefore respectfully request that the hearing on this matter be postponed and believe good cause exists to grant this request. The Water Boards do not presently have any conflicts with the Commission's next regularly scheduled meeting on September 24, 2021.

I declare under penalty of perjury under the laws of the State of California that the foregoing facts are true and correct to the best of my personal knowledge, information, or belief. If you have any questions, please contact me by telephone at (916) 324-6682 or by email at Jennifer.Fordyce@waterboards.ca.gov.

Sincerely,



Jennifer L. Fordyce
Assistant Chief Counsel
Office of Chief Counsel
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cc: Service List via CSM Dropbox

¹ The Notice of Public Hearing for the Regional MS4 Permit is available at:
[https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/public_docs/2021new/Public%20Notice%20of%20MS4%20Permit%20Board%20Hearing%20\(FINAL\).pdf](https://www.waterboards.ca.gov/losangeles/water_issues/programs/stormwater/municipal/public_docs/2021new/Public%20Notice%20of%20MS4%20Permit%20Board%20Hearing%20(FINAL).pdf).

DECLARATION OF SERVICE BY EMAIL

I, the undersigned, declare as follows:

I am a resident of the County of Sacramento and I am over the age of 18 years, and not a party to the within action. My place of employment is 980 Ninth Street, Suite 300, Sacramento, California 95814.

On June 11, 2021, I served the:

- **Notice of Postponement of Hearing Request Approval issued June 11, 2021**
- **Claimant's Comments on the Draft Proposed Decision and Request for Postponement of Hearing filed June 9, 2021**
- **SWRCB's and LARWQCB's Comments on the Draft Proposed Decision and Request for Postponement of Hearing filed June 9, 2021**

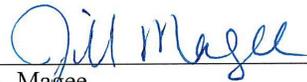
*California Regional Water Quality Control Board, Los Angeles Region,
Order No. R4-2010-0108, 11-TC-01*

California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2010-0108, NPDES Permit No. CAS00-4002, Adopted July 8, 2010; Public Information and Participation Program: Parts 4.C.2(c)(1)(C), 4.C.2(c)(2),(6),(8), 4.C.2(d), 4.C.3(a),(b); Reporting Program and Program Effectiveness Evaluation: 4.I.1; 3.E.1(e); Special Studies: 4.E.III.3(a)(1)(D-E); Attachment F, Section F, Part 4.E.IV.4; Part 4.E.III.2(c)(3)-(4); Watershed Initiative Participation: Part 4.B; Vehicle and Equipment Wash Areas: Part 4.G.1.3(a); and Illicit Connection/Illicit Discharge Elimination: Part 4.H.1.3(a).

County of Ventura and Ventura County Watershed Protection District, Claimants

By making it available on the Commission's website and providing notice of how to locate it to the email addresses provided on the attached mailing list.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct, and that this declaration was executed on June 11, 2021 at Sacramento, California.



Jill L. Magee
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COMMISSION ON STATE MANDATES

Mailing List

Last Updated: 5/27/21

Claim Number: 11-TC-01

Matter: California Regional Water Quality Control Board, Los Angeles Region, Order No. R4-2010-0108

Claimants: County of Ventura
Ventura County Watershed Protection District

TO ALL PARTIES, INTERESTED PARTIES, AND INTERESTED PERSONS:

Each commission mailing list is continuously updated as requests are received to include or remove any party or person on the mailing list. A current mailing list is provided with commission correspondence, and a copy of the current mailing list is available upon request at any time. Except as provided otherwise by commission rule, when a party or interested party files any written material with the commission concerning a claim, it shall simultaneously serve a copy of the written material on the parties and interested parties to the claim identified on the mailing list provided by the commission. (Cal. Code Regs., tit. 2, § 1181.3.)

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